

tee on the Judiciary, on a bill to confirm certain titles to land, so far as the location and survey are concerned, was taken up.

Mr. Gray offered the following amendment :

In 1st section, second line, strike out "colonial titles to land," and insert "titles made to colonists or settlers for their headright claims;" adopted.

On motion of Mr. Dancy, the following proviso was added to to the above amendment :

"Provided that said claims shall not exceed in quantity, one league and labor to one individual."

The bill was then passed to third reaeing.

On motion of Mr. Parker, the rule was further suspended, bill read third time and passed.

Joint resolution providing for the removal of the remains of the late Stephen F. Austin, for interment in the State burial ground at the city of Austin; read third time and passed.

Joint resolution for the relief of James Pratt Plummer, Warren Lyons, and Chipita Willse, wife of Benjamin T. Willse; read third time and passed.

On motion of Mr. Bigelow, the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, January 16, 1852.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, have considered the petition of John Conner, a Delaware chief. It appears from the facts that sometime in the year 1842, the President of the then Republic of Texas, made an agreement with Conner to procure a consultation of the various tribes of Indians, for the purpose of forming a treaty, for which Conner was to receive one league of land. In consideration thereof, a majority of the committee have instructed me to report a bill for his relief, and recommend its passage.

A bill for the relief of John Conner, a Delaware chief; read first time.

Mr. Parker, chairman of the committee on Claims and Accounts, to which was referred a bill for the relief of the persons

taken prisoners by the Mexican army at the Mission of Refugio, in 1841, reported the same back to the Senate, and recommended that it be referred to the committee on the Militia.

Mr. Gray, chairman of the committee on the Judiciary, to which was referred a bill to amend an act authorizing the county courts to issue unconditional certificates in certain cases, reported a substitute therefor, and recommended its passage.

Mr. Gray made the following report :

JANUARY 15, 1852.

The committee on the Judiciary, having examined a bill to confirm the titles to land issued to colonists in Milam's colony, find that forty-one titles for a league each, and twelve titles for a quarter of a league each, were issued in said colony by Talbot Chambers, as the commissioner of said colony, which are now on file in the General Land Office; but it appears that said Chambers was not authorized to act as commissioner for the colony, though he supposed himself to be so. The colonists received their titles in good faith in most cases; and the defect in Chambers' authority was not discovered until recently. Many of the settlers have died in possession of their lands, and they have since been occupied by their heirs and assigns, supposing them justly their property; and all of them have suffered the hardships of a frontier life, and been engaged in defence of the country.

To permit these settlers now to be disturbed in their possessions, and perhaps their homes taken from them, in consequence of a defect in their titles, for which they were in no way responsible, and which was in no respect inconsistent with intrinsic fairness and honesty, would be gross injustice.

The bill referred, however, proposes to confirm all titles issued by Chambers, to any person who was a citizen of Texas, without regard to other defects which may exist. To this the committee are unwilling to give their assent; and in order to remedy the evil arising from the defect above named, and at the same time avoid confirming frauds which may have existed, have instructed me to report the enclosed substitute for the bill, to be entitled an act to legalize the official acts of Talbot Chambers, as commissioner of titles for Milam's colony.

P. W. GRAY, Chairman.

Mr. Gray introduced a bill supplementary to an act to regulate proceedings in the county courts, relating to guardians and wards, approved March 20, 1848; read first time.

Mr. Merriman presented the memorial of Mrs. Ann Brown; referred to the committee on Finance.

Mr. Davis, from the committee on Internal Improvements, to which was referred a bill appropriating five hundred thousand dollars to the improvement of the water courses in Texas, reported the same back, and recommended its passage, with the following amendments :

Strike out of the caption "five hundred thousand," and insert "three hundred thousand ;" and substitute the 2nd section.

Mr. Bigelow made the following report :

CITY OF AUSTIN, January, 16, 1852.

To Hon. J. W. HENDERSON,

President of the Senate :

The committee on Public Lands, to whom was referred a bill for the relief of Benjamin Hubert, have had the same under consideration.

It appears that Benjamin Hubert is the owner of three head-right certificates, each for one league and labor of land, which were issued by the board of land commissioners for the county of San Augustine, to Ambrose Basse, Peter C. Harness and Wylie Morse, on the 21st day of June, 1838; and that neither of said certificates has been recommended by the travelling board of commissioners.

The reason alleged by the petitioner for not availing himself of the courts to establish these certificates, was the entire want of means to procure the testimony and prosecute a suit; and that he has recently been compelled to sell the home of his family, in order to obtain the necessary means to procure the testimony which is now presented to the Legislature.

It appears from the affidavits of different individuals, that Ambrose Basse was in Texas about the year 1834—that he was settled in the Republic—that he was a married man, and died in 1842 or 1843. And that Peter C. Harness was known as a married man in Texas in 1835 or 1836, and for many years thereafter; and that Wylie Morse was a citizen of Texas as early as 1829—that he lived in Texas up to 1848, and that he was a married man.

The most of the persons that have sworn to these facts are acquaintances of the Hon. James Davis, who informs the committee that their affidavits are entitled to credit.

The certificate of George W. Smyth, Commissioner of the General Land Office, which was before the committee, shows that "no certificate has been recommended to that office by the board of land commissioners created under an act to detect fraudulent land certificates, in the name of Peter C. Harness, Wylie Morse or Ambrose Basse, and that no certificate has issued

from that office to them ; and that no judgment has been reported to the said office from any of the district courts for either of the above named persons.

Your committee have no hesitation in saying that the testimony before them would have been deemed ample in the district court, to entitle the said Ambrose Basse, Peter C. Harness and Wylie Morse, each to one league and labor of land. And while they are aware that their duty to the State demands that they act with deliberation and caution, they feel that they are also equally bound to respect the just rights of the citizen.

In view of the facts, the majority of the committee have instructed me to report the bill back to the Senate, and to recommend its passage, which is respectfully submitted.

ISRAEL B. BIGELOW, Chairman.

Mr. Bigelow made the following report :

CITY OF AUSTIN, January 16, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate :

The committee on Public Lands have considered the bill for the relief of Martha C. Lee.

It appears that Martha C. Lee is the owner of a land certificate for six hundred and forty acres, issued to her by the land commissioners of Grimes county—that subsequently to the issuance of said certificate, the records of Grimes county were burned, and that in consequence thereof, the Commissioner of the General Land Office refuses to issue a patent thereon.

The bill provides for the confirmation of the certificate and issuance of a patent.

I am instructed to report the bill back to the Senate, without amendment, and to recommend its passage.

ISRAEL B. BIGELOW, Chairman.

Mr. Bigelow also made the following report :

CITY OF AUSTIN, January 16, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate :

The committee on Public Lands have duly considered a bill supplementary to an act authorizing the issuing of duplicate land warrants, discharges and headrights, on certain conditions, and providing for the loss of land scrip.

The object of the bill is to give the same remedy to the owners of lost land scrip that is now provided by the act of the 14th of January, 1840, for lost land warrants, discharges and headrights.

The bill also provides the mode of making the necessary oath where the claims are owned by two or more persons.

The importance of having the provisions of the law extended to all classes of lost claims, seems to be self-evident. And the committee have instructed me to report the bill back to the Senate, without amendment, and recommend its passage; which is respectfully submitted.

ISRAEL B. BIGELOW, Chairman.

Mr. Bigelow, from the same committee, reported back to the Senate, a bill for the relief of William Welch of Limestone county, and recommended its passage.

A message was received from the House, informing the Senate that the House concurred in the amendments of the Senate to a bill to quiet certain land titles, so far as location and survey are concerned.

ORDERS OF THE DAY.

A bill to make an appropriation to pay the expenses of the supreme court for the years 1851, 1852 and 1853, read and passed to third reading, and, on motion of Mr. Scott, the rule was suspended, bill read third time and passed.

The Senate concurred in the amendments of the House to a bill to amend the 17th section of the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad company.

A bill relating to lands in Peters' colony; read.

The question being on striking out 2,000, in first section.

On motion of Mr. Kinney, a committee was appointed to wait on Mr. Day, and receive his vote.

Messrs. Kinney, Eddy and Scott were appointed said committee.

On calling the yeas and nays on striking out 2,000, the vote was as follows:

YEAS—Messrs. Armstrong, Burks, Dancy, Davis, Duggan, Eddy, Grimes, Reaves, Scott, Taylor, Truit, Williams and Wilson—13.

NAYS—Messrs. Bigelow, Bogart, Day, Doane, Gray, Hart, Hill, Kinney, Merriman, Meusebach, Parker and Sterne—12; carried.

On motion of Mr. Bogart, the bill was laid on the table.

A bill to restore to former owners lands sold for taxes and purchased by the State; read, and, on motion of Mr. Gray, laid on the table.

A bill to allow sheriffs to charge mileage for serving and returning process in civil cases, with the report of the committee

on Finance, offering an amendment thereto, was read, and amendment adopted.

Mr. Davis moved to amend by inserting "all over 15 miles;" lost.

On motion of Mr. Taylor, it was amended by inserting "over five miles;" and bill ordered to be engrossed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Doane, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Parker, Sterne, Williams and Wilson—14.

NAYS—Messrs. Burks, Dancy, Davis, Duggan, Reaves, Scott, Taylor and Truit—8.

The resolution of the Senate, requiring the committee on the Judiciary to inquire into the expediency of amending the constitution so as to declare that the district courts of the State have appellate jurisdiction of all cases which originate in inferior courts; read and adopted by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Gray, Grimes, Hart, Hill, Meusebach, Parker, Sterne, Taylor, Truit, Williams and Wilson—19.

NAYS—Messrs. Merriman and Reaves—2.

A bill to provide for the levying a road tax for the county of Montgomery; read.

On motion of Mr. Truit, it was amended by adding "Panola and Shelby."

On motion of Mr. Grimes, the bill was laid on the table.

On motion of Mr. Dancy, the rule requiring reports to lay on the table one day was suspended, and the report of the committee on the Judiciary on a bill to confirm the titles to land issued to colonists in Milam's colony, was taken up, and substitute offered by the committee adopted.

On motion of Mr. Dancy, the bill was amended by adding after the word "misrepresentation," in the first section, the words "of the grantee."

On motion of Mr. Sterne, the bill was amended by adding after "grantee," the following words, "nor to any title or grant over one league and labor."

The bill was then ordered to be engrossed.

On motion of Mr. Dancy, the rule was further suspended, bill read third time and passed.

Mr. Davis introduced joint resolution for the payment of Geo. T. Wood, two thousand one hundred dollars; read first time.

On motion of Mr. Davis, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill to define the time of holding the courts in the twelfth judicial district, with the report of the committee on Judicial Districts offering an amendment, was read, amendment adopted, and bill ordered to be engrossed.

Mr. Bogart introduced a bill to prevent the location and patenting of lands within the limits of the grant known as Peters' colony; read first time, and, on motion of Mr. Bogart, the rule was suspended and bill read second time.

On motion of Mr. Hill, it was referred to the committee on the Judiciary.

A bill for the relief of Sam Bogart; read and ordered to be engrossed.

On motion of Mr. Bigelow, a bill to create the sixth military division of the State, was taken from the table and placed among the orders of the day.

A bill for the relief of Christopher Troutz; read and passed to third reading.

The report of the committee on Education on a bill for the benefit of Austin College, recommending its indefinite postponement, was read and adopted.

A bill providing for the payment of sheriffs for attendance on the supreme court; read.

Mr. Taylor offered as a substitute for the bill, a bill allowing pay to sheriffs who attend upon the supreme court; adopted, and bill ordered to be engrossed.

A bill to define the boundaries of the counties of Jasper and Newton; read and ordered to be engrossed.

A bill amending the estray laws; read and rejected.

A bill to amend an act, approved January 28, 1850, concerning the corporation of the city of Nacogdoches, with the report of the committee on Counties and County Boundaries, recommending that it be referred to the committee on the Judiciary, was read and report adopted.

A bill to authorize John Nelson, Andrew Stapp, Leroy Clements and their associates to construct a bridge and turnpike road across the east fork of Trinity river; read and ordered to be engrossed.

A bill to incorporate the Trinity Turnpike company; read and ordered to be engrossed.

A bill to provide for the publication of an abstract of land titles, with the report of the committee on State Affairs, offering an amendment thereto, was read, and amendment adopted.

Mr. Eddy offered the following amendment to come in at end of section 1 :

“ And provided, also, that the said abstract as published, shall contain the date of the issuance of each title ; ” adopted, and bill ordered to be engrossed.

Mr. Bigelow offered the following resolution :

Resolved, That the Adjutant General be required to inform the Senate if any fire arms have been received from the Government of the United States, and what quantity, and their condition.

On motion of Mr. Wilson, the vote which referred a bill to prevent the location and patenting of lands within the limits of the grant known as Peters' colony, to the committee on the Judiciary, was reconsidered, and, on motion of Mr. Dancy, the bill was laid on the table.

A bill to incorporate the Goliad Bridge company ; read and ordered to be engrossed.

A bill to incorporate the Chappel Hill male and female Institute ; read second time, and, on motion of Mr. Dancy, referred to the committee on Education.

A bill for the relief of Alexander Ewing ; read second time, and, on motion of Mr. Dancy, referred to the committee on Finance.

A bill to incorporate the town of Washington ; read second time, and, on motion of Mr. Taylor, referred to the committee on Counties and County Boundaries.

A bill for the relief of the heirs of Andrew Roach ; read second time, and, on motion of Mr. Dancy, referred to the committee on Private Land Claims.

Mr. Davis introduced a bill requiring the assessors and collectors to take the number of those entitled to do military duty ; read first time.

A bill to create the sixth Military Division ; read, and, on motion of Mr. Davis, laid on the table.

A bill to amend the third section of an act providing for the transfer of the records of administrators to new counties, approved 13th May, 1846 ; and

A bill for the relief of the heirs of Major William H. Smith, were read third time and passed.

A bill to set apart ten leagues of land for Indian purposes ; read third time, and rejected by the following vote :

YEAS—Messrs. Armstrong, Bogart, Doane, Grimes, Hart, Hill, Mensebach, Williams and Wilson—9.

NAYS—Messrs. Bigelow, Burks, Dancy, Davis, Gray, Merri-
man, Parker, Reaves, Scott, Taylor and T'ruit—11.

On motion of Mr. Bogart, a bill to prevent the location and
patenting of lands within the limits of the grant know as Peters'
colony was taken up.

Mr. Bogart offered a substitute for the bill.

On motion of Mr. Wilson, the Senate adjourned until 10
o'clock to-morrow morning.

SATURDAY, January 17, 1852.

The Senate was called to order by the President pursuant to
adjournment—prayer by the Rev. Mr. Baggerly—roll called—
quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor made the following report :

The committee on Private Land Claims have examined the
petition of John F. Ramsdale, with the accompanying testimony,
and find that Ramsdale has a proper transfer from John V. Stew-
art, for his headright certificate for 320 acres of land. This cer-
tificate was deposited by Ramsdale in the land office of Rusk
county, and there destroyed by fire. At the last session of the
Legislature an act was passed for the relief of those who had
certificates destroyed in the land office of Rusk county, the pas-
sage of which the petitioner alleges he did not know until it had
expired ; and as it appears that he can get relief no where save
by the Legislature, the committee have instructed me to report
a bill for his relief, and recommend its passage.

A bill for the relief of John F. Ramsdale ; read first time.

Mr. Reaves, chairman of the committee on Engrossed Bills,
reported the following bills correctly engrossed, to wit :

A bill allowing pay to sheriffs who attend upon the supreme
court ;

A bill to define the time of holding the district courts in the
twelfth judicial district ;

A bill to define the boundaries of the counties of Jasper and
Newton ;

A bill for the relief of Sam Bogart ; and

A bill to allow sheriffs to charge mileage for serving and re-
turning process in civil cases.

Mr. Duggan, chairman of the committee on Enrolled Bills,
reported the following bills correctly enrolled, to wit :